



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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April 6, 2022

By ECF

Honorable Sanket J. Bulsara  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Tempey v. United States Department of Homeland Security*,  
No. 20-cv-5212 (Vitaliano, J.) (Bulsara, M.J.)

Dear Judge Bulsara:

This Office represents Defendant United States Department of Homeland Security ("DHS") in the above-referenced action. Defendant respectfully writes on behalf of both parties to this action to provide a joint status report, as directed in the Court's January 7, 2022 Order.

By way of background, Plaintiff seeks to compel the release of records from DHS that he alleges have been improperly withheld in response to his request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. DHS has produced records responsive to Plaintiff's FOIA request along with a "*Vaughn*" index describing those documents not produced because they fall within FOIA exemption to disclosure. Plaintiff challenged the adequacy of Defendant's search for responsive records, the propriety of redactions made to Defendant's production, and reserved challenges to the *Vaughn* index. As reflected in the parties' joint submission dated January 6, 2022, in the interest of avoiding motion practice and narrowing the scope of the parties' disagreement over the sufficiency of Defendant's search for responsive records, DHS agreed to conduct an expanded search based upon mutually acceptable terms.

DHS, on behalf of both parties, respectfully advises the Court that DHS has completed this expanded search and produced responsive materials. At this stage, the parties require time to discuss the parameters of a *Vaughn* index for this supplemental production and whether Plaintiff may raise any challenges to DHS's withholdings. Once these issues are resolved, Defendant anticipates seeking a pre-motion conference in accordance with Provision III.A. of Judge Vitaliano's Individual Motion Practice Rules for a contemplated motion for summary judgment and conferring with Plaintiff to propose a mutually acceptable briefing schedule for the Court's consideration.

In order to complete these remaining tasks, the parties respectfully request that the Court permit them to file a supplemental report advising of the status of this action by April 22, 2022.

Respectfully submitted,

BREON PEACE  
United States Attorney

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